

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE MERCEDES-BENZ EMISSIONS
LITIGATION

Civil Action No. 2:16-cv-881 (JLL) (JAD)

Motion Date: August 1, 2016

ELECTRONICALLY FILED

**[PROPOSED] ORDER GRANTING
DEFENDANTS MERCEDES-BENZ USA, LLC'S AND DAIMLER AG'S
MOTION TO DISMISS AND TO COMPEL ARBITRATION**

THIS MATTER comes before the Court upon the motion of Mercedes-Benz USA, LLC and Daimler AG ("Defendants") for the entry of an Order dismissing with prejudice all claims pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of jurisdiction, and, in the event the Court concludes it has jurisdiction, (1) directing plaintiffs Gwendolyn Andary, Darrell Feller, and Gina McVey to arbitration and (2) dismissing with prejudice all remaining claims pursuant to Rules 8(a), 9(b), and 12(b)(6) for failure to satisfy the requisite pleading standards and to state a claim upon which relief can be granted, and the Court having considered the submissions of the parties and oral argument, if any, and for good cause shown,

IT IS on this ____ day of ____, 2016

ORDERED that Defendants' Motion to Dismiss pursuant to Rule 12(b)(1) is
GRANTED.

IT IS FURTHER ORDERED that plaintiffs' Consolidated and Amended Class Action Complaint is dismissed with prejudice for lack of jurisdiction.

IT IS FURTHER ORDERED that had the Court concluded it had jurisdiction, Defendants' Motion to Compel Arbitration would be **GRANTED**, and plaintiffs Gwendolyn

Andary, Darrell Feller, and Gina McVey would be directed to arbitration, but that motion is hereby denied as **MOOT**.

IT IS FURTHER ORDERED that had the Court concluded that it had jurisdiction, Defendants' Motion to Dismiss would be **GRANTED** as to all remaining claims, and plaintiffs' Consolidated Amended Class Action Complaint would be dismissed with prejudice for failure to state a claim, but that portion of Defendants' motion is hereby denied as **MOOT**.

Honorable Jose L. Linares, U.S.D.J.